IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 27412 of 1995

Between:

Mukkamala Krishnamurthy S/o.Venkanna
R/o.Mungunda,P.Gannavaram Mandal E.G.Dist.

..... PETITIONER

AND

1 State of A.P rep.by its Dy.Collector, E.G.Dist Kakinada.
2 Revenue Divisional Officer, Amalapuram. E.G. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction especially in the nature of writ of mandamus declaring the acquisition of the land in S.No.189/1 measuring Ac.2-26 in Mungunda Village,P.Gannavaram Mandal,E.G.Dist as illegal,null and void and for a consequential order directing the respondents to drop all further proceedings in this behalf and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners:MR.M.V.SURESH

Counsel for the Respondents.: GP FOR SOCIAL WELFARE & REVENUE

The Court made the following O R D E R:

Heard learned counsel for the parties.

The land of the petitioner was sought to be acquired and a notification under Section 4(1) of the Land Acquisition Act, 1894 (for short “the Act”) was issued on 27-06-1995. After an enquiry, notification under Section 6 of the Act was issued on 02-12-1995. The petitioner filed this writ petition challenging the acquisition on the ground that he is a small farmer. I have my own doubts whether that would be a ground to quash the acquisition proceedings. But, in the counter-affidavit, it has been denied that the petitioner is a small farmer. The land was sought to be acquired for giving house sites to the weaker sections of the society and the petitioner has been able to stall that for a period of ten years.

The writ petition is devoid of merits, which is accordingly dismissed. No order as to costs.

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(Bilal Nazki,J)

24th March, 2005

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To

1 The Deputy Collector, E.G.Dist Kakinada.
2 The Revenue Divisional Officer, Amalapuram. E.G. District.

3 Two C.Cs to the Government Pleader for Social Welfare,

High Court of A.P., Hyderabad.

4 Two C.D copies.